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10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 UNITED STATES OF AMERICA,
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14 Plaintiff,
15 v.
16 CLINTON MACK REID,
17 Defendant.
18
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Case No. 15-cr-1349-BAS

**ORDER DENYING
GOVERNMENT'S MOTION FOR
RECONSIDERATION**

[ECF No. 49]

20 “No precise ‘rule’ governs the district court’s inherent power to grant or deny
21 a motion to reconsider a prior ruling in a criminal proceeding.” *United States v.*
22 *Lopez-Cruz*, 730 F.3d 803, 811 (9th Cir. 2013). “Rather, the district court’s authority
23 to revisit a ruling on a suppression motion ‘is within its sound judicial discretion.’”
24 *Id.* (quoting *United States v. Raddatz*, 447 U.S. 667, 687 n.6 (1980)).


25 The Government argues that the Court “overlook[ed] and [did] not address
26 facts and argument[s] showing there existed probable cause to search Reid’s car
27 independent of Reid’s *Terry* stop.” (Gov’t’s Mot. 2:1-9.) However, the facts
28 identified—for example, Easter Sunday being an Emerald Hills Bloods gang holiday,

1 and Emerald Hills Park being in a high-crime area, among other—are largely the
2 same facts previously used to support reasonable suspicion in order to justify the
3 *Terry* stop. The reasonable-suspicion standard requires “‘considerably less than
4 proof of wrongdoing by a preponderance of the evidence,’ and ‘obviously less’ than
5 is necessary for probable cause.” *Navarette v. California*, — U.S. —, 134 S. Ct.
6 1683, 1687 (2014). Consequently, in failing to justify reasonable suspicion, the
7 Government necessarily also fails to meet the higher probable-cause standard when
8 relying on the same set of facts. *See id.*

9 In light of the foregoing, the Court exercises its discretion and declines to
10 reconsider its prior ruling on Defendant’s motion to suppress. *See Lopez-Cruz*, 730
11 F.3d at 811. Accordingly, the Court **DENIES** the Government’s motion for
12 reconsideration. (ECF No. 49.)

13 **IT IS SO ORDERED.**

14
15 **DATED: December 10, 2015**


Hon. Cynthia Bashant
United States District Judge